

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**DOCKET NO. 3:08-cv-00070-FDW**

**STEVEN GLEN BYRD,**

**Plaintiff,**

**vs.**

**STATE OF NORTH CAROLINA et al.,**

**Defendants.**

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**ORDER**

THIS MATTER comes now before the Court upon Memorandum and Recommendation (M&R) of United States Magistrate Judge Carl Horn, III, recommending that Defendant Union County Sheriff's Office and Department's "Motion to Dismiss" (Doc. No. 8) and Defendant State of North Carolina's "Motion to Dismiss" (Doc. No. 10) be granted and that the Complaint be dismissed with prejudice. The time for filing objections as provided in 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b) has expired, and no objections have been filed by either party.

The district court conducts a de novo review of those portions of a magistrate judge's M&R to which specific objections are filed. 28 U.S.C. § 636(b). "[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." Diamond v. Colonial Life & Acc. Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005). Upon careful review of the record, "the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(c).

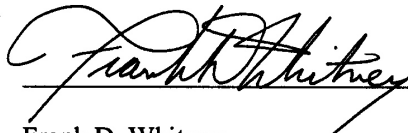
After a careful review of the record, the Court finds that the magistrate judge's findings and

recommendations are neither clearly erroneous nor inconsistent with governing law. Thus, the Court hereby accepts the M&R of Magistrate Judge Horn and adopts it as the final decision of this Court for all purposes relating to this case.

IT IS, THEREFORE, ORDERED that Defendants' Motions to Dismiss (Doc. Nos. 8, 10) be GRANTED and that the Complaint be DISMISSED WITH PREJUDICE as to Defendants Union County Sheriff's Office and Department and the State of North Carolina. In accordance with the M&R, Plaintiff may file an Amended Complaint properly naming any Sheriff's detectives or deputies **on or before July 21, 2008**.

IT IS SO ORDERED.

Signed: July 7, 2008

  
Frank D. Whitney  
United States District Judge

